



**ASSOCIATED PRESS**

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Please consider this a request under provisions of the Freedom of Information Act and the Electronic Freedom of Information Act, 5 U.S.C § 552 and under 40 CFR §2, “Procedures for disclosure of records under the Freedom of Information Act.”

The Associated Press requests copies of any SMS text or Apple iMessages between Environmental Protection Agency Administrator Scott Pruitt and his chief of staff, Ryan Jackson, sent or received between Feb. 17, 2017 and Dec. 31, 2017. The messages should include, but not be limited to, those exchanged using Pruitt’s EPA-issued Verizon iPhone and Apple iPad, as well as using any other iOS electronic messaging apps, besides email.

If the content of texts is redacted from the copies provided to AP, please indicate the removal of the information and cite the relevant exemption under which the redaction was made. Further, please include the date and times the relevant messages were sent or received.

I certify that I am a full-time employee for The Associated Press, the world’s largest news-gathering organization with more than 1 billion readers, listeners and viewers.

Whether an “urgency to inform” exists depends on several factors: (1) whether the information relates to a currently unfolding story; (2) whether delaying release of the information harms the public interest; and (3) whether the request concerns federal governmental activity (see *Al-Fayed v. CIA*, 245 F.3d 300 (D.C. Cir. 2001)). In addition, “the credibility of a requester” is also a relevant consideration.

Please release any information pursuant to my requests as it is received and/or reviewed by your office, rather than waiting to send me all the material I have requested. If you have questions or need to contact me, I can be reached at (202) 641-9445 and my e-mail address is [mbiesecker@ap.org](mailto:mbiesecker@ap.org).

As I am making this request on behalf of the AP for use in reporting the news, no fees may be assessed for searching or reviewing documents sought by this request, and no duplication fees should be charged to the AP for the first 100 pages of material (see 5 U.S.C. § 552(a)(4)(A)(ii)(II)). AP hereby consents to pay duplication charges up to a total not to exceed \$250. Please notify me in advance before incurring any duplication charges in excess of this amount.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as “primarily benefiting the public.” I believe that this request fits that category and I therefore ask that you waive any fees.

Further, AP contends that the disclosure of these requested documents is in the public interest and requests that agency expedite processing of these records.

If all or any part of this request is denied, please cite the specific exemption(s) that you think justifies your refusal to release the information and inform me of your agency’s administrative appeal procedures available to me under the law.

To the extent that you affirm, in whole or in part, the denial of disclosure, we ask that you provide us with a list describing with specificity the categories of documents that have been withheld and explaining the grounds for the withholding (see *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973)).

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

Michael Biesecker, Reporter

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